

# DRAFT

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 2.27 (RESOURCE MANAGEMENT AGENCY); DELETING CHAPTER 2.28 (PUBLIC WORKS DIRECTOR), DELETING CHAPTER 2.29 (PLANNING AGENCY); DELETING CHAPTER 2.30 (PLANNING DEPARTMENT); DELETING CHAPTER 2.31 (BUILDIGN SERVICES DEPARTMENT) OF THE MONTEREY COUNTY CODE.**

## County Counsel Summary

*This ordinance amends Title 2 of the Monterey County Code) to consolidate functions of the Resource Management Agency into a single Chapter for the Resource Management Agency (RMA). These changes reflect a change from separate departments under the RMA to the RMA as a single department, and establish the RMA Director as the authority for these functions.*

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Chapters 2.27, 2.28, 2.29, 2.30, and 2.31 of the Monterey County Code shall be amended as follows:

### Chapter 2.27 - RESOURCE MANAGEMENT AGENCY

Sections:

#### 2.27.010 - Resource Management Agency created.

- A. The Resource Management Agency of the County is created as a comprehensive local agency to administer, coordinate, and oversee the development and implementation of policies and regulations concerning land use planning, building inspection, code compliance, public works, and general services. The powers and duties of the constituent departments and divisions of the Resource Management Agency are as set forth in State law and the County Code. The constituent departments and divisions of the Resource Management Agency are the Planning Department, Building Services Department, Land Use Division, Public Works and Facilities Division Department, and Administrative and fiscal support Divisions.
- B. The Agency shall provide the following services in connection with its programs and activities:
1. Regional and local planning in coordination with the State, cities, and local and special districts;

2. Stewardship of the County's natural resources to protect the health, welfare, and safety of the public;
3. Streamlined delivery of land use services that provide a predictable permitting process that balances the public interest with private property rights;
4. Delivery of infrastructure and services that provide for the public health and safety in transportation, public works, and utility services consistent with available funding;
5. Engineering and capital planning services in support of County owned and leased facilities.

2.27.020 - Director of the Resource Management Agency.

The Director of the Resource Management Agency shall be appointed by and serve at the pleasure of the County Administrative Officer, with the concurrence of the Board of Supervisors. The Director shall direct and oversee the operations of the Resource Management Agency subject to the direction of the County Administrative Officer and in compliance with state law and local rules.

2.27.030 - Duties of Director.

The Director shall:

- A. Plan, organize, direct, and coordinate the programs, activities, and operations of the Agency;
- B. Establish and maintain goals, objectives, and plans for carrying out the functions of the Agency;
- C. Implement improvements and determine and recommend plans for establishing new service programs or major changes in methods or levels of service delivery;
- D. Analyze and evaluate program results as related to objectives and policy guidelines;
- E. Review program funding needs, formulate budget guidelines, control program activities within budgetary limits and policies, and direct the preparation of Agency program budgets for the County Administrative Officer and Board of Supervisors;
- F. Develop and recommend the annual Agency budget and capital improvements programs and present and justify them to the County Administrative Officer and the Board of Supervisors;
- G. Hire, assign, reassign, terminate, suspend and take such other disciplinary or related administrative action as needed concerning the department and division heads in the Agency and evaluate their performance at least annually;
- H. Direct the training and professional development of top level Agency personnel;
- I. Manage and coordinate the Agency's programs, plans, and operations between departments and divisions;
- J. Coordinate the Agency's programs, services, and administrative functions with those of other agencies and departments;

- K. Advise the Board of Supervisors, County Administrative Officer and appointive boards and commissions on long-range planning where Agency services are concerned;
- L. Establish and maintain a one-step permit-processing program;
- M. Develop and recommend a comprehensive range of options to enhance the financing of the County road system;
- N. Act as liaison between the Board of Supervisors and County Administrative Officer and the Planning Commission, Association of Monterey Bay Area Governments, Local Agency Formation Commission, and other agencies and commissions which impact the Agency's services;
- O. Control, monitor, and evaluate each of the Agency's programs and services;
- P. Direct the preparation and evaluation of legislation affecting the operations of the Agency;
- Q. Perform such other duties as may be assigned by the County Administrative Officer or Board of Supervisors.

## **Chapter 2.28 – PUBLIC WORKS DIRECTOR**

### **Sections:**

#### **2.28.010 – Office created.**

**The office of Public Works Director is created.**

#### **2.28.0240 - ~~Combination of duties~~ Resource Management Agency – Public Works and Facilities.**

Public Works and Facilities is created as a Division within the Resource Management Agency subject to the direction of the Resource Management Agency Director. The duties of the Deputy Director Public Works Director and Facilities shall consist of include the duties of the Road Commissioner and County Surveyor, combined with the duties of the following other offices, departments or divisions:

- A. Director of Transportation;
- B. Manager of Solid Waste Disposal;
- C. Litter Control Officer;
- D. District Engineer of Special Districts under the control of the Board of Supervisors when so designated by said Board;
- E. Administrative Officer of County Service Areas when so designated by the Board of Supervisors.

However, the Public Works Resource Management Agency Director may designate another individual within the Public Works Department Resource Management Agency to perform the duties of Road Commissioner and/or County Surveyor, if the designated individual meets all statutory or regulatory requirements for the performance of such duties. The Deputy Director

Public Works and Facilities may also be known as the Public Work Director or Director of Public Works.

2.287.02150 - County Surveyor.

The duties of the County Surveyor shall be performed by the Deputy Director Public Works Director and Facilities, or by his or her designee within the Public Works Department Resource Management Agency who meets all statutory or regulatory qualifications and requirements for the performance of such duties. Also see Chapter 2.36 Monterey County Code.

Chapter 2.29 – PLANNING AGENCY

Sections:

2.297.04160 - Assignment of functions of Planning Agency.

Pursuant to section 65100 of the Government Code as may be periodically amended, the planning agency of the County of Monterey shall consist of the Board of Supervisors, the Planning Commission, the Planning Department, the Building Services Department Resource Management Agency - Land Use Division, and such other hearing officers and bodies as are designated in County's zoning and subdivision ordinances as Appropriate Authorities. Each of such entities shall have all of the powers, duties, and functions established for them by State law and the plans, ordinances, rules, and regulations of the County.

Chapter 2.30 – PLANNING DEPARTMENT

Sections:

2.297.04170 - Planning Services Department created.

The Planning Department Services Unit is a department of the County of Monterey is created as part of the Resource Management Agency – Land Use Division. The functions of the Planning Department Services Unit are as set forth in California Planning and Zoning Law (Government Code section 65000 et seq.) and other applicable law and the general plan, local coastal program, zoning ordinances, subdivision ordinances, and other applicable plans, ordinances, rules, and regulations of the County.

2.297.0290 - Director Chief of Planning Services.

The Director Chief of Planning Services shall be appointed by and serve at the pleasure of the Director of the Resource Management Agency. The Director Chief of Planning Services shall direct and oversee the operations of the Planning Department Services Unit and shall have all of the powers, duties, and functions established for the Planning Director by the general plan, local coastal program, zoning ordinances, subdivision ordinances, and other applicable plans, ordinances, rules and regulations of the County. The Director Chief of Planning Services may also be known as the Planning Director or Director of Planning.

2.297.1030 - Duties of Director Chief of Planning Services.

The Director Chief of Planning Services shall:

- A. ~~Execute the general duties as provided for department heads in Section 2.18.010;~~
- B. Plan, organize, direct, and coordinate the programs, activities, and operation of the Planning Department Services Unit;
- C. Establish and maintain goals, objectives, and plans for carrying out the functions of the Planning Department Services Unit;
- D. Implement improvements or major changes in methods or levels of service delivery;
- E. Analyze and evaluate program results as related to objectives and policy guidelines;
- F. Review program funding needs, control program activities within budgetary limits and policies, and direct the preparation of the Planning Department Services Unit program budgets;
- G. Direct the training and professional development of the members of the Planning Department Services Unit;
- H. Coordinate the Planning Department Services Unit's programs and services with those of other agencies and departments, both inside and outside the Resource Management Agency;
- I. Advise the Board of Supervisors, County Administrative Officer, Director of the Resource Management Agency, and appointive boards and commissions on long-range land use planning;
- J. Direct the evaluation of legislation affecting the operations of the Planning Department Services Unit;
- K. Perform such other duties as may be assigned by the Director of the Resource Management Agency or County Administrator Officer or as may be required by applicable law or the ordinances or resolutions of the Board of Supervisors.
- L. Designate other individuals within the Planning Department Services Unit to perform the duties of the Director Chief.

## **Chapter 2.31 – BUILDING SERVICES DEPARTMENT**

### **Sections:**

2.~~31~~27.0110 - Building Services Department created.

The Building Services Department Unit of the County of Monterey is created as part of the Resource Management Agency – Land Use Division. The functions of the Building Services Department Unit are to administer and enforce the California Building Standards Code with such modifications as are set forth in the County Code, to conduct inspections, and to perform such other functions as may be set forth in applicable law and the general plan, local coastal program, zoning ordinances, subdivision ordinances, and other applicable plans, ordinances, rules, and regulations of the County.

2.~~31~~27.0120 - Director Chief of Building Services.

The Director Chief of Building Services shall be appointed by and serve at the pleasure of the Director of the Resource Management Agency. The Director Chief of Building Services shall direct and oversee the operations of the Building Services Department Unit and shall have all of the powers, duties, and functions established for the Building Director by the California Building Standards Code with such modifications as are set forth in the County Code and by the other applicable plans, ordinances, rules, and regulations of the County. The Chief of Building Services may also be known as the Building Director, Building Official, or Director of Building Services.

2.3127.0130 - Duties of the Chief of Building Services Director.

The Director Chief of Building Services shall:

- A. Execute the general duties as provided for department heads in Section 2.18.010;
- B. Plan, organize, direct, and coordinate the programs, activities, and operation of the Building Services Department Unit;
- C. Establish and maintain goals, objectives, and plans for carrying out the functions of the Building Services Department Unit;
- D. Implement improvements or major changes in methods or levels of service delivery;
- E. Analyze and evaluate program results as related to objectives and policy guidelines;
- F. Review program funding needs, control program activities within budgetary limits and policies, and direct the preparation of the Building Services Department Unit program budgets;
- G. Direct the training and professional development of the members of the Building Services Department;
- H. Coordinate the Building Services Department Unit's programs and services with those of other agencies and departments, both inside and outside the Resource Management Agency;
- I. Advise the Board of Supervisors, County Administrative Officer, Director of the Resource Management Agency, and appointive boards and commissions on issues related to building codes;
- J. Establish and maintain a one-stop permit-processing program;
- K. Direct the evaluation of legislation affecting the operations of the Building Services Department Unit;
- L. Perform such other duties as may be assigned by the Director of the Resource Management Agency or County Administrator Officer or as may be required by applicable law or the ordinances or resolutions of the Board of Supervisors.
- M. Designate other individuals within the Building Services Department Unit to perform the duties of the Director Chief.

SECTION 2. Chapter 2.28 of the Monterey County Code shall be deleted.

SECTION 3. Chapter 2.29 of the Monterey County Code shall be deleted.

SECTION 4. Chapter 2.30 of the Monterey County Code shall be deleted.

SECTION 5. Chapter 2.31 of the Monterey County Code shall be deleted.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day following its adoption.

PASSED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

AYES: Supervisors

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chair

Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM BY:

\_\_\_\_\_  
Wendy S. Strimling  
Senior Deputy County Counsel